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INTAKE

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LIBRARY

## THE LIBRARY ASSOCIATION OF PORTLAND

The first library in Portland was organized in 1864 as a private subscription library. A group of people living in the city formed an organization to have access to more than their own personal books. It was shortly thereafter that they incorporated as a non-profit educational organization which lasted until the end of the nineteenth century. A woman by the name of Alice Smith left a considerable bequest to the organization and the then Library Association constructed their first building at Southwest Broadway and Stark.

Shortly before the turn of the century, there was a great movement nationally for free public library service. The movement was felt in Portland as well, and in 1899 the City of Portland organized and financed a free public library which was located in the City Hall. At that point, Portland had two organizations: one free and one by subscription. Two years later, John Wilson, a merchant in Portland with a very fine personal library, died. He left his library of some five thousand volumes to the Library Association and the City of Portland on the condition that they be made freely accessible to residents of the City of Portland. The city felt that this was too valuable a collection not to accept. Additionally, the city was having difficulty building its own book collection, so the city government and the Board of Directors of the Library Association reached an agreement. The city passed a special ordinance partially financing the Library Association of Portland on condition that the residents of Portland had access to the library. At that point the private subscriptions ceased.

Several years later, the library began to have requests from people living outside the city limits. Negotiations began between the city, the Library Association, and the Multnomah County Commissioners. The net result was a permissive library law enacted by the state legislature allowing the city, county, or an otherwise organized governmental agency to either establish a library or to contract with an existing library for public service. The Library Association has been operating since 1911 as the public library service for Multnomah County.

The Library Association is a non-profit corporation administered by a Board of Directors of ten members. The members are self-appointed, i.e. if a vacancy on the board occurs for some reason, the remaining members elect and appoint someone to take his place. Each member of the Board of County Commissioners of Multnomah County is an ex-officio member of the Board of Directors of the Library Association of Portland, but being ex-officio they have no vote and as a matter of practicality do not attend meetings.

In accordance with the contract between Multnomah County and the Library Association of Portland, and in accordance with the statutes of the State of Oregon, the Library Association of Portland submits a budget to the Board of County Commissioners each year as do other departments of county government. The money appropriated by the county to the Library Association of Portland is not a general fund expenditure, but is rather a levy placed upon the taxpayers of Multnomah County for taxes to be paid into the Library Fund which in turn is paid over to the Library Association as it is received by the Treasurer of Multnomah County.

It might be well to point out at this time that the 6% limitation does not apply to the Library Fund, but since it does apply to the overall tax levy of Multnomah County, the Board of County Commissioners has held the Library Association to the 6% limitation on their appropriations.

The library service for Multnomah County consists of a central library, two service agencies, seventeen branches, and four bookmobiles, employing 260 full time personnel and approximately 140 part time personnel with a budget in the current fiscal year of \$1,910,000.

Copies of the enabling legislation and the contract between Multnomah County and the Library Association of Portland are appended hereto.



CONTRACT BETWEEN THE COUNTY OF MULTNOMAH  
and the  
LIBRARY ASSOCIATION OF PORTLAND

THIS AGREEMENT, made and entered into this 21st day of October, 1911, by and between the COUNTY OF MULTNOMAH, in the state of Oregon, hereinafter called the County, and THE DIRECTORS OF THE LIBRARY ASSOCIATION OF PORTLAND, a corporation organized and existing under the laws of the state of Oregon, and having its location in the City of Portland, in the County of Multnomah, and State of Oregon, hereinafter called the Association,

WITNESSETH:

WHEREAS, the Association maintains and operates a public library for the benefit of the citizens of the City of Portland and the County of Multnomah, under the terms of its articles of incorporation and of Sections 4346 to 4355 of Lord's Oregon Laws, known as the Public Library Law, and of Sections 4356 to 4359 of Lord's Oregon Laws, known as the County Library Law, and by virtue of the contract contained in Ordinance 12,302 of the City of Portland, and the acceptance thereof by said Association, on February 7, 1903; and

WHEREAS, in maintaining and operating said public library said Association has devoted all of its property and the tax money received from said City and County to the development of the public library system therein, and with the means so furnished and obtained has maintained and operated a main central library, branches, stations and reading rooms and other accommodations for the reading public, which accommodations, however, have become inadequate to supply the needs of the public; and

WHEREAS, recognizing the necessity of further and more adequate provision for the public library system of said County, and believing that the maintenance and administration of a public library system can be best obtained by the cooperation of said County and said Association, the said Association, with the knowledge of the County Judge and County Commissioners of said County, advocated before the legislature of the State of Oregon, at its session of 1911, the passage of two bills, both of which became laws, one of which is known as Chapter 151 of the Laws of 1911, and amends the said Sections 4356 to 4359 of Lord's Oregon Laws, by increasing to one-half of one mill the special tax for library purposes and by enlarging the use for such special tax, and the other act, known as Chapter 117 of the Laws of 1911, provided for the levy of a special tax of one and one-half mills and for the erection of a library building with the proceeds thereof; and

WHEREAS, said Association owns lots one (1), two (2), seven (7), and eight (8) in block two hundred and fourteen (214), in the City of Portland, County of Multnomah, State of Oregon, but intends to sell, dispose of and convey said premises and to purchase, in lieu thereof, block two hundred and fifty (250) in the City of Portland in said county and state; and

WHEREAS, Mr. Andrew Carnegie, of the City of New York, has offered to give to said Association the sum of one hundred and five thousand dollars (\$105,000) to be used in the erection of branch library buildings in said County on condition that free sites be provided for said branch library buildings, and that said County agrees to maintain them at an expense of ten thousand five hundred dollars (\$10,500.00) each year, and said offer has been accepted by the Association and the County; and



WHEREAS, said County and said Association believe it is necessary for the public welfare that the power given by said statutes enacted in 1911 be used, and said County desires to act under said statutes and to make the levy of taxes therein provided for, and to erect the public library building and to cooperate with said Association in the development and maintenance of a public library system for the County of Multnomah, and said Association is ready and willing (and by appropriate corporate action has so expressed itself) to convey to said County either lots one (1), two (2), seven (7) and eight (8) in block two hundred and fourteen (214), in the City of Portland, or said block two hundred and fifty (250), to place on its Board of Directors the County Judge and the County Commissioners and their successors in office, to participate in the management of the public library system of said County, to occupy and use the library buildings for library purposes, and to do all things in its power for the furtherance of the public welfare in library matters;

NOW, THEREFORE, It Is Agreed by and between the parties hereto as follows:

1. Within thirty days after the execution of this contract the Association will convey to the County either lots one (1), two (2), seven (7) and eight (8) in block two hundred and fourteen (214), in the City of Portland, County of Multnomah, State of Oregon, or block two hundred and fifty (250) in the City of Portland, in said County and State, as said Association may prefer and be able to make conveyance thereof, and the County does hereby approve of said sites for a public library building and hereby agrees to accept either of said premises as a site for a public library building. If the said Association fails to execute said conveyance within the said thirty days this agreement shall be void.

The County agrees to use said premises for public library purposes; provided, however, that the County, with the approval of the Association, may sell or dispose of the land above described, and with the proceeds of such sale, purchase and erect a similar library building on the land so purchased, which land and the building shall be used for public library purposes; and the County further agrees to keep said library building, whether the same be erected upon the land above described or upon any other land that may be hereafter substituted therefor, insured against loss by fire for eighty (80) per cent of its full insurable value, and in case of destruction by fire of said library building, either as a whole or in part, the County shall within a reasonable time replace and restore said building with the money which may be obtained from the insurance companies by reason of said destruction or loss by fire. Provided that the premiums for said fire insurance shall be paid from the maintenance fund hereinafter mentioned.

2. The Association will upon the execution of this contract cause the present County Judge and County Commissioners and their successors in office to be made ex-officio directors of the Association.

3. The County hereby authorizes the Association to select an architect, or architects, for said main public library building, and to determine upon the plans and specifications to be used in the erection of said building, subject to the approval of the County Court, and when the plans and specifications have been so determined and approved by the County Court, the County agrees to proceed immediately thereafter to cause said building to be constructed in accordance with said plans and specifications and the purpose and terms of the statutes and of this contract.

4. The County will assess, levy and collect as other county taxes for the year 1911 are assessed, levied and collected, such portion of the one and one-half mill special tax provided for in said Chapter 117, as shall appear to said County to be necessary to pay for the cost of construction of said main public library building during the period ending March 1,



1913, and said County will assess, levy and collect as other county taxes for the year 1912 are assessed, levied and collected the remainder of said one and one-half mill special tax, or so much thereof as may be necessary, for the completion of said building.

\* 5. The County will annually and beginning in the year 1941 assess, levy, and collect the special tax provided for in Section 1 of Chapter 357 of the Laws of 1919, for so long as the Association shall continue to maintain a public library system in accordance with said statutes and this contract, and the County will pay over to the Association the proceeds of such tax from time to time as the same is collected. The amount of the special tax to be so assessed, levied and collected shall be such as may be necessary to meet the requirements of the public library system of the County of Multnomah.

6. The Association will operate and manage the public library system for the free use of the inhabitants of the County of Multnomah, subject to such rules and regulations as may be prescribed by the Association, and will devote to public library purposes its own books, income from invested funds and other property, as well as the money received from public taxes. The Association will use annually for the maintenance and operation of each branch library building given by Mr. Andrew Carnegie at least ten (10) per cent of the cost of such building. The Association will include in its maintenance, operation and management a main library, branches, public school libraries and such other departments as will procure for the inhabitants of the County of Multnomah an efficient public library service.

The Association is vested with the sole and exclusive power and authority to care for the library buildings, to select plans and sites for the branch library buildings, to appoint and remove all employees and to fix their salaries, and otherwise to manage the public library system of said County of Multnomah.

7. The County agrees to lease unto the Association the land which is conveyed by the Association to the County for a public library building, whether the same be said lots one (1), two (2), seven (7) and eight (8) in block two hundred and fourteen (214) in the City of Portland or said block two hundred and fifty (250) in the City of Portland, and all other real property used or to be used solely for public library purposes within the County of Multnomah and owned or controlled by said County at this time, or hereafter, together with the tenements, hereditaments and appurtenances thereunto belonging; TO HAVE AND TO HOLD THE SAME unto the Association so long as the Association shall continue to maintain public libraries in and upon said premises free for the use of the inhabitants of said County of Multnomah, and so long as said Association shall keep and occupy said premises for the purpose of maintaining herein public libraries and carrying on the objects and purposes of said Association, and this contract and the statutes of the State of Oregon, controlling public libraries in the said County of Multnomah, and so long as the Association shall faithfully keep, perform and observe the covenants and conditions herein contained on its part to be kept, performed and observed; and whenever the County acquires the ownership or control of the real property which is to be for such library purposes, this agreement shall constitute a lease of such premises upon the terms and conditions herein provided.

8. The County shall not be chargeable or liable for the preservation of the property of the Association in said public library buildings against fire or for any damage or injury caused by fire to the said property.

9. As soon as practicable after the completion and equipment of said main public library building, the Association shall transfer to, place and arrange in said building, its

\* As amended July 12, 1920, and as further amended November 10, 1941.



library collection now contained in the existing building on said lots one (1), two(2), seven (7) and eight (8) in block two hundred and fourteen (214) in the City of Portland, and as soon as practicable after the completion and equipment of the other library buildings herein mentioned, the Association shall install libraries therein and shall occupy and have the exclusive use of the whole of said buildings, subject to the provisions herein contained, during the continuance of the term hereinbefore granted.

10. The said library building shall be accessible at all reasonable hours and times for general use, free of expense to the inhabitants of said County of Multnomah resorting thereto, subject only to such control and regulations as the Association from time to time may exercise and establish for general convenience.

11. The said library collection and all other property of the Association, which shall or may be placed in said buildings shall continue to be and remain absolutely the property of said Association, and the County shall not, by reason of said property being placed in said buildings or continuing therein, have any right, title, property or interest therein, and the Association by reason of the use and occupation of said buildings, under this contract, shall not acquire or be deemed to have acquired any right, title or interest in said buildings or the appurtenances, or the land on which the same are erected, except insofar as expressly granted by this contract.

\* 12. The Association shall, on or before the 15th day of December in each year during the continuance of this contract, submit to the County a detailed printed report of the operations and transactions of said Association, and of all its receipts and payments for the year ending with the 31st day of October next preceding.

IN WITNESS WHEREOF, the COUNTY OF MULTNOMAH has caused this agreement to be executed by its County Judge and County Commissioners, constituting the County Court of said County of Multnomah, pursuant to a resolution of the said County Court adopted at a meeting held on the 21st day of October, 1911, and the said the DIRECTORS OF THE LIBRARY ASSOCIATION OF PORTLAND has caused the same to be executed by its President, attested by its Secretary, and its official seal affixed thereto, pursuant to a resolution of the Board of Directors of said corporation adopted at a meeting held on the 20th day of October, 1911.

(SEAL)

Witnesses:

ROBERT SHAW  
WM. L. BREWSTER

(SEAL)

Witnesses:

M. LOUISE HUNT  
NELLY FOX

COUNTY OF MULTNOMAH, STATE OF OREGON,

By T. J. CLEETON, County Judge.

By W. L. LIGHTNER, County Commissioner.

By DANIEL V. HART, County Commissioner.

THE DIRECTORS OF THE LIBRARY ASSOCIATION  
OF PORTLAND,

By W. B. AYER, President.

Attest:

By MARY FRANCES ISOM, Secretary.

\* Dates changed to August 15 and June 30  
in conformance with new fiscal year.



It is further AGREED by and between the parties hereto that except for the foregoing amendment such contract dated the 21st day of October, 1911, shall be and remain in full force and effect.

IN WITNESS WHEREOF, Multnomah County has caused this agreement to be executed by its Board of County Commissioners by authority of an order of said board heretofore entered of record, and the said The Directors of the Library Association of Portland has caused the same to be executed by its President, attested by its Secretary, and its official seal to be affixed hereto pursuant to a resolution of the Board of Directors of said corporation heretofore duly adopted.

November 10, 1941.

(SEAL)

MULTNOMAH COUNTY, Oregon,  
By O. V. BADLEY, Chairman.  
By F. L. SHULL, Commissioner.  
By T. J. KREUDER, Commissioner.

THE DIRECTORS OF THE LIBRARY ASSOCIATION  
OF PORTLAND,

(SEAL)

By E. B. MacNAUGHTON, President.  
Attest: NELL A. UNGER, Secretary.

Approved as to form:

James R. Bain, District Attorney  
By M. E. Tarshis, Deputy.



REGIONAL, COUNTY, CITY AND OTHER  
LIBRARIES

357.400 Definitions for ORS 357.400 to 357.640. As used in ORS 357.400 to 357.640:

(1) "County court" includes board of county commissioners.

(2) "Region" means the area included within the counties that have entered into a contract to establish, equip and maintain a regional public library system pursuant to ORS 357.415.

(3) "Regional public library board" means the public library board established under ORS 357.465.

(4) "Regional public library system" means a free public library system established and maintained by two or more counties pursuant to ORS 357.415.

[1955 c.432 §2]

357.410 Powers of counties or cities regarding free public libraries; library maintenance tax. (1) Any county or city may:

(a) Establish, equip and maintain a free public library.

(b) Maintain and support any free public library already established therein.

(c) Contract with existing and established free public libraries for the purpose of providing free use of the libraries for their inhabitants.

(d) Contract with the Trustees of the State Library to obtain library demonstrations, including the establishment of library operation or system with staff, equipment and books to show what constitutes good library services.

(e) Levy annually and cause to be collected, as other general taxes are collected, a tax upon the taxable property of such county or city to provide a library fund to be used exclusively to maintain such libraries.

(f) Through library boards, purchase real estate, build buildings and lease property necessary for properly housing and maintaining libraries.

(2) All money appropriated or collected from taxes levied pursuant to paragraph (e) of subsection (1) of this section shall be placed in a separate fund to be known as the public library fund and shall be disbursed only upon the order of the public library board of such county or city as provided by law.

(3) Any county that has entered into a regional public library system contract under ORS 357.415 may levy annually and cause to be collected as other general taxes are collected, a tax upon the taxable property of such county to provide the funds required to be paid by such county under subsection (2) of ORS 357.415. All money appropriated

or collected from taxes levied pursuant to this subsection shall be placed in a separate fund until paid over to the county treasurer who is designated in the contract as the custodian of the regional public library system funds. The county treasurer who is the custodian of the regional public library system funds shall hold the funds received by him under this section in a separate trust fund in the county treasury against which the regional public library board may draw checks as provided in ORS 357.545.

[Amended by 1955 c.432 §5; 1961 c.251 §6]

357.415 Establishing regional public library system in lieu of county libraries. (1) Two or more counties, acting through their county courts, in lieu of establishing, equipping and maintaining county public libraries under subsection (1) of ORS 357.410, may enter into a contract to establish, equip and maintain a regional public library system. The contract shall include a provision stating that a regional public library system is established under the provisions of ORS 357.400 to 357.640.

(2) The expenses of the regional public library system shall be apportioned between or among the counties concerned on such basis as shall be agreed upon in the contract. The treasurer of one of the counties, to be designated in the contract, shall have custody of the funds of the regional public library system, and the treasurers of the other counties concerned shall transfer quarterly to him all moneys collected or appropriated for the regional library system in their respective counties. Before receiving any of the funds, the treasurer designated in the contract shall give a fidelity bond, in the amount fixed by the regional public library board, with a corporate surety authorized to do business in this state. The treasurer shall be reimbursed for the amount of the premium on the bond from the moneys of the regional public library system.

(3) For social security and retirement purposes, all employees of a regional public library system shall be deemed employees of the county, the treasurer of which has the custody of the funds of the regional public library system as provided by the contract.

(4) If the county court of any county votes to withdraw from a regional public library system contract in accordance with the procedure provided in ORS 357.620, they shall give written notice to the regional public library board at least one year prior to the final vote. The county withdrawing is entitled to a division of the property of the regional public library system on the basis of its contributions within one year after having notified the regional public library board of the final vote.

[1955 c.432 §3]

357.420 Exemption from county tax for library maintenance. Except for the city in which a central county library or a central



regional library is located as provided in ORS 357.450, any incorporated city having a population of not less than 4,000 people and maintaining a free public library by annual taxation to a total amount of not less than \$2,000 and located within a county levying a tax pursuant to ORS 357.410, may upon a majority vote of the members of the city council, with the written consent of a majority of the members of the city public library board, claim exemption from such tax after notice that such action is proposed to be taken and the date and place of the meeting at which it is proposed to be taken has been published in the newspapers of that city at least once a week for four successive weeks. After notification by the city council of its claim of exemption, the county court shall exempt the taxable property within the city from the next annual county tax levy made pursuant to ORS 357.410. Unless otherwise provided in the regional public library system contract, the amount due from the county under a regional public library system contract, if one exists, shall be reduced by a sum equal to the amount that would have been collected for regional public library purposes from the taxable property within such city had the city not claimed the exemption. The exempted city shall not participate in the benefits of the county free library or the regional public library system, as the case may be. The exemption from such tax and service shall continue until the city annuls such action and is again included in the county tax levy made pursuant to ORS 357.410.

[Amended by 1955 c.432 §6]

**357.430 Public library building fund taxes.** (1) Any county may assess, levy and collect, in the same manner as other taxes for county purposes, a special tax on all taxable property within such county, or may contract bonded indebtedness under the provisions of ORS chapter 287, for:

(a) The purchase of real property for public library purposes.

(b) The erection and equipping of public library buildings, including a central public library building maintained and operated as a public library upon a site approved by the county public library board acquired either by purchase or conveyed to the county by any person, firm, corporation, city, school district or union high school district.

(c) The purchase of real property for public library purposes and the erection of re-

gional public library buildings, including a central regional library building and branch library buildings.

(2) The tax levy proceeds from the tax authorized by paragraphs (a) and (b) of subsection (1) of this section shall be placed in a separate fund known as the public library building fund and shall be expended only for the purpose for which the tax is levied. No money shall be drawn from the fund except upon warrant drawn by order of the public library board for the county for which any such tax is levied.

(3) The tax levy proceeds from the tax authorized by paragraph (c) of subsection (1) of this section shall be paid to the county treasurer who is the custodian of the regional public library system funds who shall hold such money in a separate trust fund in the county treasury against which the regional public library board may draw checks only for the purpose for which the tax is levied.

[Amended by 1955 c.432 §7; 1961 c.251 §9]

**357.440 Use of tax funds for branch libraries.** Where a central library building is provided in whole or in part by donations or otherwise, any remaining portions of the fund authorized in ORS 357.430 may be used for or toward the erection of branch library buildings to be built in cooperation with any city within the county levying the tax which is the source of such fund, upon condition that the city provide a site acceptable to the county public library board and to the county court. Any city may provide funds, as other funds are raised, through taxation or the sale of bonds or otherwise, for the purchase of sites and the erection of such branch library buildings.

**357.445 Building plans and contracts for construction of library buildings; contract for operation of libraries.** (1) The plans for any building erected pursuant to ORS 357.430 or 357.440 shall be in accordance with plans prepared by architects selected by and under the control of the county or regional public library board. Contracts for the erection of the buildings shall be made by the county or regional public library board.

(2) The public library board of any county in which a tax is levied pursuant to ORS 357.430 or the regional public library board of counties levying a tax pursuant to ORS 357.430 may contract for the use and occupation of any building erected pursuant



to ORS 357.430 or 357.440, by any corporation maintaining and operating a central public library and branch libraries. The contract may be upon such terms and conditions, and extend for such periods, as the county public library board or regional public library board deems advisable. All library buildings built pursuant to ORS 357.430 or 357.440 shall be free for the use of the inhabitants of the county or region where the same is located, subject only to such reasonable rules and regulations as may be prescribed by the management of the corporation using and occupying such buildings and maintaining public libraries therein.

[Amended by 1955 c.432 §8]

357.450 [Repealed by 1961 c.251 §10 (ORS 357.451 enacted in lieu of ORS 357.450)]

357.451 Methods of establishing free county or city public library; initial library board. (1) A public library may be established in any county or city in either of the following ways:

(a) The governing body of any county or city desiring to establish and maintain a public library shall pass and enter upon its minutes a resolution or ordinance, if required by city charter, to the effect that a free public library is established under the provisions of Oregon laws relating to public libraries.

(b) Upon petition requesting the establishment of a public library, addressed to the governing body of any county or city and containing the signatures of electors equal to not less than five percent of the greatest number of votes any candidate received for Justice of the Supreme Court at the last preceding biennial election within the boundaries of the county or city, as the case may be, the governing body shall make and enter an order for an election requesting approval by the electors of the establishment of a public library. The order shall state the manner in which the city or county proposes to finance the library, including the estimated amount of any annual tax levy necessary to provide for the housing, staffing, equipping and maintenance of the library. If the governing body shall determine that financing may be had only through an annual serial levy to be submitted to the electors pursuant to ORS 357.455 the order shall so state.

(2) The provisions of subsection (2) of ORS 357.455 shall govern the notice of, time of, and manner of holding the election ordered by a city or county under paragraph (b) of subsection (1) of this section. Upon approval

of a majority of the electors of the city or county voting at the election called pursuant to paragraph (b) of subsection (1) of this section, or upon resolution or ordinance pursuant to paragraph (a) of subsection (1) of this section, a library board shall be appointed by the presiding officer of the governing body, subject to confirmation by the governing body at its next regular or special meeting. In the case of a city, the board shall consist of five members; in the case of a county, five or seven members, at the discretion of the governing body; and in the case of a regional public library system, five, seven or nine members, at the discretion of the county courts appointing the board by joint action. The members first appointed shall hold office, one for one year, one for two years, one for three years, and all others for four years, from January 1 in the year of their appointment.

[1961 c.251 §11 (enacted in lieu of ORS 357.450)]

357.455 Annual levy for library purposes. (1) Upon petition to the governing body of any county or city, containing the signatures of electors equal to not less than five percent of the greatest number of votes any candidate received for Justice of the Supreme Court at the last preceding biennial election within the boundaries of the county or city, as the case may be, or upon its own motion, the governing body of any county or city shall make and enter an order for an election requesting approval by the voters of an annual serial levy for any of the purposes set forth in subsection (1) of ORS 357.410, or in ORS 357.430, 357.440, subsection (1) of ORS 357.451 or 357.490. The order shall state the purpose for which the funds are to be expended, the period during which the proposed taxes are to be levied, and the amount to be levied each year, which amount shall be uniform throughout the period of levy, all according to the petition or motion.

(2) The notice of, time of, and manner of, an election ordered by a county under subsection (1) of this section shall be governed by subsections (2) and (3) of ORS 310.330 and ORS 310.340, and for such elections ordered by cities, by the provisions made pursuant to ORS 310.330. In each case, the ballot shall state the purpose for which the funds are to be expended, the period during which the proposed taxes are to be levied, and the amount to be levied each year. The votes of the people shall be given upon the answer as "yes" and "no" in the usual manner.



## LIBRARY ASSOCIATION

most, examine and audit all accounts, demands and claims against the regional public library system, and such claims as it finds to be correct, valid and payable shall be paid by checks signed by the president and the secretary of the board drawn on the county treasurer who has custody of the regional library system funds. No checks shall be drawn nor money paid from the regional library fund without approval of the regional public library board. ORS 357.540 does not apply to a regional public library system.  
[1955 c.432 §15]

**357.550 Central library; branch libraries; reading rooms.** (1) Whenever a county court has established a county public library, the library board shall locate a central county library in the county seat, unless another city in the county exceeds such county seat in population by more than 20 percent according to the latest certificate of population filed pursuant to ORS 190.520, in which event, the county library board shall locate the central county library in the largest city of the county and when once located such central county library shall not be removed to another city by reason of change in population. The central county library shall be the principal repository for county library books and the administrative headquarters for the county library system. Branch libraries and reading rooms may be established and maintained as determined by the county library board.

(2) In the case of a regional public library system, the central regional library shall be located at a place in one of the counties designated in the regional public library system contract or, if not designated in the contract, at a place in one of the counties agreed upon by the regional public library board. The central regional library shall be the principal repository for the regional public library system books and the administrative headquarters for the regional public library system. Branch libraries and reading rooms may be established and maintained as determined by the regional public library board.  
[Amended by 1955 c.432 §16, 1961 c.251 §17]

**357.560 Vesting of title to library property acquired under ORS 357.400 to 357.640.** (1) The title to property acquired by any county under the provisions of ORS 357.400 to 357.640 shall be vested in the county ac-

cepting it, subject to the control of the county public library board.

(2) The title to property acquired by any regional public library board under the provisions of ORS 357.400 to 357.640 shall be vested jointly in the several counties which are parties to the regional public library system contract, subject to the control of the regional public library board.  
[Amended by 1955 c.432 §17]

**357.570 Contracts for the furnishing of library service by cities to adjoining school districts.** A free public library of any incorporated city which has population and free public library facilities sufficient to entitle it to claim exemption from county library tax levied for a county or regional public library pursuant to ORS 357.410, whether exempt or nonexempt from such tax, may become a contracting library for service to adjoining and tributary school districts. Any such school district may, by majority vote at the annual school meeting, determine to secure free library service from such contracting free city public library in lieu of service from the county public library or regional public library system after giving 30 days' written notice to the county court, the county public library board or regional public library board, and the proposed contracting library of intention to vote on the question of withdrawal. Upon written request of any such school district pursuant to an affirmative vote, the county court of a county in which a county library is operated in any manner provided by law or of a county which is part of a regional public library system, shall set aside from the county library fund or from moneys payable to the regional public library system and pay annually to the contracting library a sum equal to the amount collected for county or regional library purposes from such school district. The amount due from a county under a regional public library system contract shall be reduced by the amount paid to the contracting city library pursuant to this section. If the contract guarantees to residents of the school district all library privileges required by law and by county library contract of the county for districts receiving library service from the county library, the county court shall approve and enforce the contract. A contracting library authorized by this section shall report annually to the county court and to the county or regional public library



(3) Upon approval of a majority of the electors of the city or county voting at such election, the taxing unit shall levy each year during the approved period the amount so approved. The tax levy proceeds shall be handled as provided by ORS 357.410, 357.430 or 357.440, or as otherwise provided by law. [1961 c.251 §14]

**357.460 Appointment of county or city library board successors; vacancies; compensation; limitations.** (1) At the expiration of the term of any member of a public library board, the governmental body which established the public library shall appoint a new member for a term of four years. If a vacancy occurs, the governmental body shall appoint a new member for the unexpired term. Not more than one elective officer of any county or city shall serve at one time as a member of any public library board.

(2) No member of any public library board or the body appointing such board shall have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor shall receive a salary or any payment for material or for services rendered the board.

**357.465 Regional public library board.**

(1) By joint action of the county courts of the counties which have entered into a regional public library system contract under ORS 357.415, a regional public library board shall be established.

(2) The regional public library board shall consist of five, seven or nine members appointed by the county courts acting jointly. If the board will consist of five members, the members first appointed shall hold office, one for one year, one for two years, one for three years and two for four years, from January 1 in the year of their appointment. If the board will consist of seven members, the members first appointed shall hold office, one for one year, two for two years, two for three years, and two for four years, from January 1 in the year of their appointment. If the board will consist of nine members, the members first appointed shall hold office, two for one year, two for two years, two for three years, and three for four years, from January 1 in the year of their appointment. Succeeding appointees shall hold office for a term of four years from January 1 in the year of their appointment. The proportion of board members from each of the several counties shall be provided in the regional public library system

contract. If a vacancy occurs, the county courts acting jointly shall appoint a new member from the appropriate county for the unexpired term.

(3) No member of a regional public library board or the body appointing such board shall have any financial interest, either directly or indirectly, in any contract to which the regional public library board is a party, nor shall receive a salary or any payment for material or for services rendered the board.

(4) ORS 357.451 and 357.460 do not apply to the regional public library board. [1955 c.432 §4; 1961 c.251 §12]

**357.470 Board organization; name of library.** (1) After appointment, the county or city public library board or regional public library board shall immediately meet and organize by the election of a president and treasurer from its members and by the election or appointment of a secretary. It may employ such assistance as it deems necessary.

(2) The public library established and maintained by the board shall thereafter be known as the public library of such region, county or city. [Amended by 1955 c.432 §9]

**357.480 Treasurer of public library; duties; bond.** The treasurer of each regional, county or city public library board shall have custody of all money the title of which is vested by gift in the library or regional library system unless otherwise provided by the terms of the gift. Before receiving the funds of the library or regional library system, the treasurer shall give a surety bond approved by the city, county or regional public library board, in a sum determined by the board and sufficient in amount to equal the estimated largest sum of money the treasurer will have in his custody at any time during the year next following. The bond shall be renewed from year to year. [Amended by 1955 c.432 §10]

**357.490 Library board general powers.** A regional, county or city public library board may:

(1) Establish and locate a central public library with branches at such places as are deemed necessary.

(2) Contract and be contracted with, including the right to contract with regions, counties, cities and school districts for library service, through the library boards of



such regions, counties and cities and the district school boards and expend the city or county public library fund in carrying out the contract.

(3) Purchase, receive, possess and dispose of all real and personal property necessary for the establishment or maintenance of a public library and branch libraries, and have the supervision, care and possession of the rooms or buildings constructed, leased or set apart for library purposes.

(4) Make bylaws, rules and regulations for their own guidance and for the government of the library not inconsistent with law.

(5) Appoint, pay and discharge all employees necessary for the operation of the library; expend all funds donated, given or appropriated, or taxes collected for the library and select and purchase books for the library. However, all claims, accounts and vouchers in connection with the financial management of a county or city library shall be reviewed by the county court or city council as to their conformity with the budget, paid and audited in the same manner as other funds of the county or city.

(6) Exercise all such implied powers and do all things necessary for the establishment and maintenance of a public library not inconsistent with law.

[Amended by 1955 c.432 §11; 1961 c.251 §15]

**357.500 Acceptance of gifts for library purposes.** The public library board of any county levying the tax permitted by ORS 357.430 or any regional public library board may accept sites, buildings, equipment or other donations, bequests or gifts for public library purposes.

[Amended by 1955 c.432 §12]

**357.510 Limitation on power to purchase books.** A library board of a library having an income of less than \$2,500 shall not purchase or make accessible to the public any books except as recommended in book lists issued by the American Library Association or by any state library or school department.

**357.520 Annual report.** On or before July 1 of each year, every public library board shall report to the body maintaining the library and to the Trustees of the State Library stating the condition of their trust, the various sums of money received from the library funds and all other sources, how much money has been expended, the number

of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out and the general character of such books, the number of registered borrowers within each of the taxing districts which unite to support such library, with such other statistics, information and suggestions as they deem of general interest.

**357.530 Annual budget; limitations upon indebtedness and use of funds.** (1) Each city public library board and county public library board shall file with its county or city, and each regional public library board shall file with each county in the regional public library system, on or before May 1 of each year, a budget containing an estimate of the amount of money necessary for the county or city public library or regional public library system for the ensuing fiscal year.

(2) No county, regional or city public library board shall incur an indebtedness to exceed the amount of money in its library fund. No money appropriated for maintenance of a public library shall be used for the purchase of any real property or the erection of any buildings but this shall not prohibit expenditures for the maintenance, repairs and betterment of buildings already erected.

[Amended by 1953 c.238 §1; 1955 c.432 §13]

**357.540 Payment of claims against county or city library.** At least once each month the public library board shall meet, examine and audit all accounts, demands and claims against the public library under its supervision, and such claims as it finds to be correct, valid and payable out of the library fund, it shall cause to be marked "Approved," signed by the president and secretary of such board and filed with the county court or city council with supporting vouchers. Claims against the library fund shall be reviewed by the county court or city council as to their conformity with the budget, paid and audited in the same manner as claims against other funds of the city or county, provided, however, that no warrants shall be drawn nor any money paid from the library fund without the approval of the public library board.

[Amended by 1961 c.251 §16]

**357.545 Payment of claims against regional library system.** At least once each month the regional public library board shall



board, stating the condition of the trust, as provided by ORS 357.520.  
[Amended by 1955 c.432 §18]

**357.530 Contracts by counties for library service from adjoining counties or regions; contracts by counties or cities for library service from private organizations.** (1) Any county, through its county court, in lieu of establishing or maintaining a county public library, may enter into a contract for library service with the county library board of an adjoining county or with the regional public library board of an adjoining region maintaining a library, and such adjoining county or region is authorized to furnish the library service upon such terms and conditions as may be agreed upon.

(2) Any county or city may through its county court or city council, as the case may be, in lieu of establishing or maintaining a public library as provided in ORS 357.400 to 357.570 enter into a contract with any society or corporation owning and controlling a secular or nonsectarian library for the purpose of providing the inhabitants of such county or city with the free use of the library upon such terms and conditions as may be agreed upon. All money paid to the society or corporation under the contract shall be expended solely for the support and maintenance of the library.

(3) The library fund of the county contracting to receive library service pursuant to this section shall be disbursed upon the order of the county court.

[Amended by 1955 c.432 §19]

**357.530 Contracts by counties for library service from city public libraries.** If there exists in the county seat or in the largest city in the county which fulfills the requirements of ORS 357.530 for location of a county library, a free public library which has been established by a city, the county court in lieu of establishing a county library under ORS 357.400 to 357.570, may enter into a contract with such public library for the purpose of providing the county inhabitants with free use of such public library and other adequate library service. The contract shall provide for a definite apportionment of funds, for marking, recording and segregation of books so that their separate ownership may be easily determined for deposits of books in all incorporated cities in the county, and for free transportation of books, upon request, to residents of the county who live outside incorporated cities. The contract shall also contain ex-

press provision that the books of the contracting public library be made free to all residents of the county, to be used for lending and for deposit in branch libraries and other libraries participating in the county library service, on the same terms provided for books bought by county funds and shall make provisions for such deposit of books in any city library of the county already established as may be equitable and just in consideration of the proportionate share of county library tax paid by such city.

**357.600 Contracts by cities or school districts for library service from existing free public libraries.** Any city which has not established a library under the library laws of the state may through its council, and any school district may through its district school board, contract with the boards of existing free public libraries for library service for such city or school district, and may levy a special tax or appropriate money from its general funds or expend its library fund to meet the terms of such contract.

**357.610 Conformity to ORS 357.400 to 357.640 by libraries organized prior to enactment of those statutes; effect on executed library contracts.** (1) Libraries organized under Oregon laws prior to May 29, 1919, may have their organizations changed so as to conform to ORS 357.400 to 357.640 by resolution of the governmental body which established said library. The resolution shall outline the procedure necessary to be taken for such change.

(2) Nothing contained in ORS 357.400 to 357.640, 357.820 and 357.830 shall affect nor change the terms of any library contract executed prior to May 29, 1919, by any county or city, but the parties to said contract may, nevertheless, amend such contract so as to make it conform to all or any of the provisions of those sections.

**357.620 Abolition of public libraries or library services.** Any public library established under ORS 357.400 to 357.600, or any public library service established by contract under those statutes, shall not be abolished or discontinued nor support be withdrawn therefrom except by a vote at two consecutive annual meetings or two meetings held at intervals of at least 12 months of the body which established the library or contracted for library service.



## LIBRARY ASSOCIATION

**357.625** Turning public library over to regional library board. The governing body of any public library, supported in whole or in part by public taxation, may turn over such library to the management and control of a regional public library board established under ORS 357.465.  
[1955 c.432 §23]

**357.630** Donated property. All persons desiring to make donations of money, personal property or real estate for the benefit of any public library or regional public library system may vest the title thereto in the name of the public library or regional public library system to which the same is given, to be held and controlled by the public library board of such library or system according to the terms of the deed or gift, devise or bequest. As to such property, the public library board members shall be considered special trustees.  
[Amended by 1955 c.432 §20]

**357.640** Use and management of library. Each library established under ORS 357.400 to 357.600 shall be forever free for the use of the inhabitants of the county, region or city which maintains the same, subject to such reasonable rules and regulations as the public library board may adopt in order to render the use of the library of the greatest benefit to the greatest number. The library board may exclude and cut off from the use of the library any persons who wilfully violate such rules, or may levy reasonable fines for violations of such rules and regulations. The library board may, upon such terms as may be deemed proper, extend the privileges and use of such library to nonresidents or the district which supports it, and may provide for the interchange of books with any other library in Oregon.  
[Amended by 1955 c.432 §21]

**357.650** [Repealed by 1953 c.136 §4]

**357.660** [Repealed by 1953 c.136 §4]

**357.670** [Repealed by 1953 c.136 §4]

**357.680** [Repealed by 1953 c.136 §4]

**357.690** [Repealed by 1953 c.136 §4]

**357.700** [Repealed by 1953 c.136 §4]